

Notice of Allowability

Application No.

10/032,579

Examiner

William L. Miller

Applicant(s)

OKAZAKI ET AL.

Art Unit

3677

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to RCE filed 03-17-2004.
2. ☒ The allowed claim(s) is/are 1,4 and 6-9.
3. ☒ The drawings filed on 26 February 2002 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413), Paper No./Mail Date 05182004.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

William L. Miller
Primary Examiner
Art Unit: 3677

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Robert Wieland on 05-18-2004.

The application has been amended as follows:

In the claims:

Claim 1, line 26 – change “being” to --is--; and

Claim 1, line 32 – change “being” to --is--.

2. The following is an examiner's statement of reasons for allowance: Regarding claim 1, Kaoh (US#6271814) discloses a display device comprising: a display surface portion 14,20 comprising a light emitting area on which a plurality of light emitting elements 22 are located with spaces therebetween, the spaces defining a nonluminous area on which a nonluminous image 16 is located and visible without the light emitting elements; and an emission means, namely CPU 52, the CPU inherently providing a timer for generating a start and stop signal at predetermined times and an associated means for starting and stopping the supply of power.

3. Although Kaoh fails to disclose a means for sensing illumination density as claimed by the applicant, Stackpole (US#4384317) teaches a display device including an illumination sensing means (col. 7, lines 35-48), namely a photocell, for enabling automatic illumination of

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the display during low level ambient light. Thus, it would have been obvious to one of ordinary skill in the art to modify Kaoh in view of the teachings of Stackpole to include a means for sensing illumination density to enable automatic illumination of the display during low level ambient light.

4. As accurately argued by the applicant on pages 9-10 of the response filed 01-13-2004, Kaoh, as modified by Stackpole, fails to disclose or suggest a means for switching off power to the light emitting elements when, while power is supplied thereto from the timer, the sensed illumination density is larger than a predetermined threshold illumination density, and a means for switching on power to the light emitting elements when, while no power is supplied thereto from the timer, the sensed illumination density is smaller than a predetermined threshold illumination density. It would not have been obvious to one of ordinary skill in the art to further modify Kaoh to include a means for switching off power to the light emitting elements when, while power was supplied thereto from the timer, the sensed illumination density was larger than a predetermined threshold illumination density, and a means for switching on power to the light emitting elements when, while no power was supplied thereto from the timer, the sensed illumination density was smaller than a predetermined threshold illumination density

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to William L. Miller whose telephone number is 703 305 3978. The examiner can normally be reached on Tuesday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, J. J. Swann can be reached on 703 306 4115. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

William L. Miller
Primary Examiner
Art Unit 3677

A handwritten signature in black ink, appearing to be 'WLM', written in a cursive style.

WLM
05-18-2004